

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

BRETT CHRISTIAN, FIREARMS POLICY COALITION,  
INC., and SECOND AMENDMENT FOUNDATION

Plaintiffs,

v.

STEVEN A. NIGRELLI, in his official capacity as  
Superintendent of the New York State Police, and JOHN J.  
FLYNN, in his official capacity as District Attorney for the  
County of Erie,

Defendants.

No. 22-cv-00695 (JLS)

**DECLARATION OF RYAN L. BELKA**

RYAN L. BELKA, declares under penalty of perjury that the following is true and  
correct:

1. I am an Assistant Attorney General, of counsel to Letitia James, New York State  
Attorney General, counsel for defendant Steven A. Nigrelli (Defendant).

2. I make this declaration in support of Defendant's motion for page enlargement for  
Defendant's Memorandum of Law in Opposition to Plaintiff's Motion for a Preliminary  
Injunction in compliance with Local Rule 7(a)(2)(C).

**Page Limit**

3. Plaintiff's Motion for Preliminary Injunction is a 127 page filing that includes a  
Notice of Motion [ECF No. 19] (3 pages), a Memorandum of Law in Support of Their Motion  
for a Preliminary Injunction [ECF No. 19-1] (30 pages), a Declaration of John W. Tienken [ECF  
No. 19-2] (5 pages), a Complaint for Declaratory and Injunctive Relief [ECF No. 19-3] (32  
pages), a Declaration of Brett Christian [ECF No. 19-4] (5 pages), a Declaration of Brandon

Combs [ECF No. 19-5] (4 pages), a Declaration of Alan M. Gottlieb [ECF No. 19-6] (4 pages), an Opinion in the Circuit Court for the City of Winchester [Virginia] (42 pages), and a Proposed Order [ECF No. 19-7] (2 pages).

4. Plaintiff's request for a preliminary injunction involves a number of novel legal theories in a case of first impression in a rapidly evolving legal landscape post-*Bruen*.

5. Defendant has attempted to craft a complete, yet concise, Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction.

6. However, it has become apparent that Defendant's opposition papers will need more than twenty-five pages to provide the court with their complete argument.

7. Importantly, the second part of the *Bruen* test requires Defendants to scour the historical record and provide historical analogies to the challenged provisions of the Concealed Carry Improvement Act (CCIA).

8. Here, Plaintiffs' challenge three separate sections of the CCIA (e.g. private property, parks and transportation) and three separate rebuttals are required.

9. This historical research takes time to conduct and many pages to present as argument.

10. As a result, Defendant Nigrelli requests the page limit for his Memorandum of Law be enlarged from twenty-five (25) pages to forty (40) pages. *See*, Local Rule 7 (a)(2)(C).

11. Such an enlargement will allow Defendants to fully address the legal and factual arguments made in Plaintiff's Preliminary Injunction Motion.

12. Defendant sought and received Plaintiffs' consent to the proposed page enlargement, as indicated in this motion.<sup>1</sup>

13. While this request is made less than seven (7) days before the date on which the memorandum must be filed (Defendant's Opposition is due on November 4, 2022 [ECF No. 26]), the parties have concurrent litigation, *Hardaway, et al. v. Nigrelli, et al.*, 22-cv-771 (W.D.N.Y.) (J. Sinatra), which was filed and heard on an expedited schedule during the pendency of the *Christian* briefing period (*Hardaway* TRO Motion filed on October 14, 2022; Opposition papers filed on October 18, 2022; Reply papers filed on October 19, 2022; TRO argument on October 20, 2022; PI Opposition filed on October 28, 2022; and argument on the *Hardaway* preliminary injunction is set to be heard on November 3, 2022).

14. As such, and given that counsel is assigned to both cases, briefing in *Christian* took a backseat to briefing in *Hardaway* – and only recently did counsel determine that the page limit would necessarily be exceeded to complete his argument in *Christian*.

15. Moreover, because this case is one of first impression and of particular interest in terms of subject matter and potential policy outcomes, the additional pages will allow Defendant to preserve arguments in the event of an appeal.

16. As such, Defendants respectfully request that the page limit be increased from twenty-five (25) pages to forty (40) pages with some flexibility pursuant to the reciprocal consent agreement between the parties. *See*, n. 1.

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<sup>1</sup> Plaintiffs' consent is premised on proportional reciprocal consent to a potentially enlarged reply brief. For example, if Defendant's opposition is 40 pages, Defendants' consent to an enlarged reply brief of 16 pages.

17. In light of the above, the Defendant Nigrelli respectfully requests that the Court enlarge the page limit for Defendants' Memorandum of Law in Opposition to Plaintiff's Preliminary Injunction Motion.

Dated: Buffalo, New York  
November 1, 2022

/s/ Ryan L. Belka  
RYAN L. BELKA

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2022, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system.

Dated: Buffalo, New York  
November 1, 2022

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for Defendant Nigrelli  
BY:  
s/ Ryan L. Belka  
RYAN L. BELKA  
Assistant Attorney General,  
of Counsel  
Main Place Tower, Suite 300A  
350 Main Street  
Buffalo, New York 14202  
(716) 853-8440  
Ryan.Belka@ag.ny.gov